

Zemel Law

Consumer Protection

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September 14, 2021

VIA ECF:

Honorable Sarah L. Cave
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Watson v. Manhattan Luxury Automobiles Inc.*
Case No.: 1:20-cv-04572-LGS

Dear Judge Cave,

My office represents the Plaintiffs in this matter.

Plaintiffs write this letter requesting adjournment of two deadlines. First, Plaintiffs are currently required to respond to the letter motion filed by Defendant at ECF 115 by September 15, 2021. Second, Plaintiffs request adjournment of the upcoming conference currently scheduled for September 22, 2021. Defendant does not oppose either request.

I. Response Letter to ECF 115

Plaintiffs request additional time to draft the letter opposition to ECF 115. Defendant seeks to preclude Plaintiffs' expert report, which is one of the harshest sanctions available to the court. Preclusion of Plaintiffs' expert is a substantial issue that should be properly addressed, without the need to rush through a response. I have not had sufficient opportunity to respond to this letter motion by September 15, 2021. While I am tasked with writing this opposition, I have spent Monday and Tuesday of this week preparing and travelling to Ohio for a pre-trial and settlement conference in Cincinnati, in *Myers v. Wells Fargo Bank, et. al.*, Case No 1:18-cv-144. This has precluded me from devoting time to respond to this letter by September 15, 2021.

My office will also be closed beginning the evening of September 15, 2021 through September 16, 2021 due to Yom Kippur. Accordingly, Plaintiffs request that opposition be due on September 17, 2021.

II. Pre-Motion Conference scheduled for September 22, 2021

Plaintiffs also request adjournment of the currently scheduled conference for two reasons. First, my offices will be closed on this date in observance of Sukkot and therefore cannot attend

for religious reasons. Second, Plaintiffs have an existing discovery dispute with Defendant concerning their own expert witness which will require a pre-motion letter and conference as well. The parties have agreed to confer over this issue on September 15, 2021 and therefore, the matter is not yet ripe for the submission of letter motions. Plaintiffs believe it would be more efficient for the Court to address the issues of both experts in a single conference, rather than waste judicial resources on two conferences.

Counsel for Plaintiffs and Defendant have conferred on mutually agreeable dates to reschedule the conference and are available to continue the conference on October 4, October 5 or October 8, 2021 at the Court's discretion.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Daniel Zemel
Daniel Zemel, Esq.

Plaintiffs' requests at ECF No. 117 are GRANTED. Plaintiffs shall file their response to Defendant's letter-motion (ECF No. 115) by **September 17, 2021**. The telephone conference scheduled for September 22, 2021 is ADJOURNED to **Tuesday, October 12, 2021 at 3:00 pm**. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

The Clerk of Court is respectfully directed to close ECF No. 117.

SO ORDERED 9/15/2021


SARAH L. CAVE
United States Magistrate Judge

CC: All counsel of record via ECF